

DISTRICT	OFF.	DOCKET NO. YR. NUMBER	FILED NO. DAY YR.	FILING DATE MO. DAY YR.	DIV. NO.	R NO.	JUDGE NAME	MAG. NAME	COUNTY	JURY DEM.	DOCKET YR. NUMBER
0647	01	88 02881	2 08 03	88 4	190	1 5	4719	23	23	23	23 88 02881

CAUSE: PLAINTIFFS DEFENDANTS

Station Plaza Associates

Bank of New England, N.A.

Lustig Group, Inc.

LUSTIG, Gregory J.

WEINBERGER, Kenneth J.

FRYDMAN, Jacob A.

CAUSE

(CITE THE U.S. CIVIL STATUTE UNDER WHICH THE CASE
IS FILED AND WRITE A BRIEF STATEMENT OF CAUSE)

28 U.S.C. §1441 and §1446 - Diversity - State Law Claim - Contract.

ATTORNEYS

Michael I. Greenwald (216) 781-9386
Barragate & Barragate
1640 Illuminating Bldg.
55 Public Square
Cleveland, Ohio 44113

John Winship Read (216) 621-7091
Vorys, Sater, Seymour & Pease
2100 One Cleveland Center
1375 E. 9th St.
Cleveland, Ohio 44114

Joseph E. Oliver (216) 621-7800
1510 Ohio Savings Plaza
1801 E. 9th St.
Cleveland, Ohio 44114

Jacob A. Frydman (216) 621-7800
1510 Ohio Savings Plaza
Cleveland, Ohio 44114 (9/21/88)
(per appear of 1/20/89)

Cuyahoga - #4

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
	AUG 3 1988	145532	120.00	JS-5	8/31/88
			250.00	JS-6	FEB 28 1989

DATE

NR.

C88-2881

PROCEEDINGS

JUDGE ALDRICH

8/3/88	1	PETITION of deft for Removal from Court of Common Pleas, Cuyahoga County, Ohio, case no. 153236. (Copy of Summ & Compl attached) c/m 8/3/88. (12 p)	(JAM)
8/3/88	2	BOND for Removal. (\$250.00 cash - Receipt No. 145532) (2 p)	(JAM)
8/3/88	3	ORDER re: filing & disc procedures. Aldrich, J. Issd. (2p)(EOD 8/3/88)(JAM)	
8/15/88	4	ANSWER of deft. c/m 8/15/88. (6 p)	(JAM)
8/16/88	5	NOTICE of status call at 4:30 p.m. on 10/4/88. Aldrich, J Issd. (2 p)	(EOD 8/17/88)(JAM)
9/1/88	6	AMENDED Ans (1st) of deft-counterclaimant, Bank of New England, N.A., to compl & cntrclm. c/m 9/1/88. (5 p & exh)	(JAM)
9/13/88	7	NOTICE of pltfs to take depo & req for prodctn of docmt of Jacob A. Frydman on 10/17/88; Kenneth J. Weinberger & Gregory J. Lustig on 10/18/88. c/m 9/12/88. (4 p)	(JAM)
9/14/88	8	TABLE of authorities of pltf cited in brf in supp of mot for remand, TRO & costs. c/m 9/14/88. (4 p)	(JAM)
9/14/88	9	CERTIFICATION of pltfs' counsel purs to Fed. Civil R. 65(b). c/m 9/14/88. (3 p)	(JAM)
9/14/88	10	MOTION of pltfs for remand, TRO & costs w/brf in supp. c/m 9/13/88. (49 p)	(JAM)
9/14/88	11	MOTION of pltfs for leave to file brf exceeding 15 pages. c/m 9/13/88. (2 p)	(JAM)
9/14/88	12	MINUTES of pt procnds. Aldrich, J. Salopek, R. Pltfs' mot for remand, TRO & costs; pltfs assertion that removal to fed. ct. was improper; Jurisdictional questions also raised re: matters of Missouri Law; parties agreed to conf & brf jurisdictional issues, due 9/29/88; resp due 10/4/88; status call set for 10/11/88 at 9:30 a.m., until then, parties agreed that deft will not sell the property, & Mr. Petras will seek approval for Mr. Frydman to negotiate lease; the court deferred resp to pltfs' req for an increased bond, to allow defts time to research whether attys fees are properly included. (1 p)	(JAM)
9/15/88	13	NOTICE that case is set for status call at 9:30 a.m. on 10/11/88. Issd.(1p)(JAM)	
9/21/88	14	ENTRY of apprce of Jacob A. Frydman as co-counsel for pltf. c/m 9/20/88. (2 p)	(JAM)
9/21/88	15	MOTION of pltfs for an ext of time to resp to the amd ans & cntrclm of deft, w/ brf in supp. c/m 9/21/88 (5 p) prm	
9/22/88	16	STIPULATION and Order that brfs are due on issues involved in this case is <u>October 13, 1988</u> . Reply brfs are now due <u>October 18, 1988</u> ; hrg re: TRO <u>October 25, 9:30 a.m.</u> ; page limit is now <u>40 pages</u> for deft, and pltfs' shall be entitled to file suppl brf up to <u>22 pages</u> . Aldrich, J issd: 9/22/88 (2p) (EOD: 9/27/88)	(VD)
9/28/88	17	BRIEF of deft in opp to mot for ext of time. c/m 9/28/88 (4p)(VD)	
9/29/88	18	SUPPLEMENTAL brf of pltfs' in supp of mot for ext of time. c/m 9/29/88 (6p)	(VD)
10/6/88	19	SUPPLEMENTAL brf of deft in opp to mot for ext of time. c/m 10/5/88, (2p)	(VD)
10/13/88	20	SUPPLEMENTAL brf pltf in supp of mot for remand, TRO and costs c/m 10/13/88 w/affvt in supp. (19p)	(VD)
10/13/88	21	BRIEF of Bank of New England in opp to mot to remand and costs exh & affvt in supp. (30p) c/m 10/13/88	(VD)
10/14/88	22	TABLE of authorities cited in suppl brf in supp of mot for remand, TRO and costs. c/m 10/14/88 (4p)	(VD)
10/18/88	23	REPLY Brf of deft to suppl brf of pltfs in supp of mot for remand, TRO & Costs. c/m 10/18/88. (6 p & exh)	(JAM)
10/18/88	24	MOTION of pltfs for leave to file brf exceeding 15 pages. c/m 10/18/88.(2p)(JAM)	
10/18/88	25	BRIEF of pltfs in reply to deft's brf in opp to mot for remand, TRO & costs. c/m 10/18/88. (18 p & exh)	(JAM)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>C88-2881</u>
STATION PLAZA ASSOCIATES, Et Al		Bank of New England, N.A.	PAGE <u> </u> OF <u> </u> PAGES
DATE	NR.	PROCEEDINGS	
10/19/88	26	TABLE of auth of pltf cited in brf in reply to deft brf in opp to mot for remand, TRO & costs. c/m 10/19/88. (4 p) pel	
10/20/88	27	TABLE of deft of auth for attach to Bank of New England, N.A.'s brf in opp to mot for remand & costs. c/m 10/20/88. (8 p) pel	
0/25/88	28	MOTION of postponement of TRO hrg sched 10/25/88. (4p)(VD)	
0/25/88	29	MEMORANDUM of deft in opp to pltfs' mot for TRO. c/m 10/25/88 (7p) (VD)	
10/25/88	30	MINUTES OF PROCEEDINGS. Thompson, r. Hearing on pltf's mot for TRO. Parties agreed to negotiate in good faith thru Jan. 1989. If negotiations fail, hrg on pltf's mot for prel inj will be held in Feb. 1989. (1 p) ee	
1/23/88	31	STIPULATION and Order that deft will authorize Follman Properties to release \$5,000 from the net cash flow of the Station Plaza Bldg to the Station Plaza bldg to the St. Louis law firm Raskas, Ruthmeyer, etc. Agreement of this stipulation is made by all parties. n.w. Aldrich, J. (2p)(EOD: 11/25/88) issd: 11/23 (VD)	
1/31/89	32	NOTICE that this action is re-sched for hrg on 2/6/89 at 9:30a.m. G. Payson, deputy clerk. issd 1/31/89 (1p) sp	
1/31/89	33	WITHDRAWAL of appearance by co-counsel, Eduardo C. Robreno for deft. (1p) sp	
2/6/89	34	MINUTES of PT Procdgs. Aldrich, J. (Parties arrived for prel inj hrg & settlement terms. Case will be dism as soon as docmt signed) (1 p) pel	
2/21/89	35	STIPULATION & Order granting parties dism & judg entry w/prej & deft's ctnrclm & all claims of deft dism w/o prej; Deft shall pay the court costs of action. APPROVED: Aldrich, J. nw EOD: 2/22/89. (2 p) pel	
7/5/89	36	ORDER that the Clerk shall refund the removal bond in the sum of \$250.00 to the removing pty: Vorys, Sater, Seymour & Pease, VO#4304, CK# 130,908, amt \$250.00. Aldrich, J. EOD 7/12/89	
12/28/89	37	STIPULATION & ORDER that all claims are settled & dism w/prej at pltfs' costs. Aldrich, J. nw (1p) fa EOD 1/3/90	